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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,953	03/25/2004	Russell Berger	S14P864US1	6353

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EXAMINER

SHAFFER, RICKY D

ART UNIT PAPER NUMBER

2872

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Please find below and/or attached an Office communication concerning this application or proceeding.



### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/06/2006 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumbra et al ('347) in view of Lepoivre et al ('670) or Samuels, Sr. et al ('165).

Lumbra et al discloses a mirror assembly for viewing a child (10) sitting in a rear-facing child seat (12) positioned on a vehicle seat (14) having a seat back (16) having a front surface and an unitary head rest comprising a base plate (20) having a left edge (42) and a right edge (44) and a rear surface (54, 56), wherein the rear surface of the base plate is capable of communicating with the front surface of the seat back and head rest, a mirror element (22) attached to said base plate, a left fastening strap (38) having an inner end and an outer free end having connector means (51) which comprises one of fastening hooks and loops, the inner end of the left fastening strap being connected to the left edge of the base plate, a right fastening strap (40) having an inner end and an outer free end having connector means (51) which comprises one of fastening hooks and loops, the inner end of the right fastening strap being connected to the

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right edge of the base plate and wherein the left and right fastening straps are capable of being routable and securing the base plate in communication with the front surface of the seat back and head rest, note figures 1-4 along with the associated description thereof, except for the mirror assembly having a mirror housing adjustably connected to the base with an asymmetrically positioned pivoting ball and socket joint.

Lepoivre et al ('670) and Samuels, Sr. et al ('165) each teaches it is well known to use an asymmetrically positioned pivoting ball and socket joint [(12), (13)] in the same field of endeavor for the purpose of adjustably connecting a mirror housing [(11), (4)] to a base [(14,17), (12)] in order to increase a driver's field of view. Note figures 1-3 of Lepoivre et al and figures 2 to 2B of Samuels, Sr. et al, respectively.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mirror (22) of Lumbra et al to include an adjustable mirror housing and adjustably connected the mirror housing to the base plate with an asymmetrically positioned pivoting ball and socket joint, as taught by Lepoivre et al or Samuels, Sr. et al, in order to increase the driver's field of view, since it has been held that the provisions of adjustability, where needed, involves only routine skill in the art. Note: In re Stevens, 101 USPQ 284 (CCPA 1954).

As to the limitations of the head rest being interconnected to the seat back by at least one support bar with a gap therebetween, such feature is well known and commonly used and employed by various vehicle manufacturers in order to accommodate individuals of different heights. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the head rest of Lumbra et al to be separable from the back seat in

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order to accommodate drivers of different heights, since it has been held that constructing a formerly integral structure of various elements involves only routine skill in the art. Note:

Nerwin V. Erlichman, 168 USPQ 177, 179.

As to the limitations of claim 9, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base of Lumbra et al to include a foam pad, as is well known in numerous analogous arts, in order to protect the head rest from possible damage and/or marring.

4. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumbra et al ('347) in view of Lepoivre et al ('670) or Samuels, Sr. et al ('165) as applied to claims 1, 3, 9 and 13 above, and further in view of Monahan et al ('708).

Lumbra et al in view of Lepoivre et al or Samuels, Sr. et al discloses all of the subject matter claimed, note the above explanation, except for the connector means comprises a slotted bucket or male and female connectors.

Monahan et al teaches it is well known to use male and female connectors having a slotted buckle in the same field of endeavor for the purpose of adjustably fastening one end of a strap to another end of a strap so as to attach a mirror to an object (see Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer ends of the left and right fastening straps of Lumbra et al in view of Lepoivre et al or Samuels, Sr. et al to include male and female connectors having a slotted buckle, as taught by Monahan et al, in order to obtain a secured adjustable fastening assembly which can be easily removed and tightened.

As to the limitations of claim 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base plate of Lumbra et al in view of Lepoivre et al or Samuels, Sr. et al to include slots for receiving each of the straps routed there through, as is well known in the art, in order to provide for a snug adjustable fastening mechanism.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumbra et al ('347) in view of Lepoivre et al ('670) or Samuels, Sr. et al ('165) as applied to claims 1, 3, 9 and 13 above, and further in view of Nielsen et al ('384).

Lumbra et al in view of Lepoivre et al or Samuels, Sr. et al discloses all of the subject matter claimed, note the above explanation, except for the mirror housing and mirror having a circular shape.

Nielsen et al teaches it is well known that mirror housings and mirrors may include a variety of different geometric shapes, such as a circular shape (see column 4, lines 52-65) in the same field of endeavor for the purpose of viewing a child sitting in a rear facing child seat positioned on a vehicle seat (see Fig. 6).

It would have been obvious to modify the shape of the mirror housing and mirror of Lumbra et al in view of Lepoivre et al or Samuels, Sr. et al to include any one of the numerous geometric shapes specified by Nielson et al in column 4, lines 52-59, such as circular, in order to obtain an aesthetic (ornamental) appealing mirror assembly, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of one of ordinary skill in the art. Note: In re Dailey et al, 149 USPQ 47 and In re Seid, 73 USPQ 431.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

August 21, 2006

  
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PATENT EXAMINER  
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